

MEETING MINUTES
Town of Halfmoon Planning Board
May 11, 2015

Those present at the May 11, 2015 Planning Board meeting were:

Planning Board Members: John Ouimet ó Chairman
Don Roberts ó Vice Chairman-absent
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins

Planning Board Alternates: Robert Partlow
Margaret Sautter

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski

Chairman Ouimet opened the May 11, 2015 Planning Board Meeting at 7:00 pm.

Mr. Berkowitz made a motion to approve the April 27, 2015 minutes, seconded by Mr. Higgins, Chairman Ouimet abstained. Motion was carried.

Vice-Chairman Roberts will not be here tonight his brother passed away last week.

Public Hearings:

15.017 Subdivision of Lands of 80 Vosburgh Road, 80 Vosburgh Road - Minor Subdivision/Lot

Chairman Ouimet commented: At the request of the applicant this item was pulled from the agenda until further notice.

14.148 MMM Enterprises LLC, Firehouse Road – Minor Subdivision & Special Use Permit

Chairman Ouimet commented: The Board left the public hearing open from the last meeting would anyone from the public like to speak?

Mr. Rabideau, Van Guilder Associates commented: The proposal is for a 3-lot subdivision and Special Use Permit for 3 duplex units. This is a continuation from January 26, 2015 the parcel is located on Firehouse Road in back of the Country Drive-In. The lots will be in a flag lot configuration with 20' driveway strips to Lots A, B and C they will have a common ingress/egress easement along the 60' wide strip for utilities and serviced by public water and on-site septic systems. A Professional Engineer has drawn up the septic systems under NYS Code. This is a PO-R Professional Office-Residential Zone and is surrounded by LaValley PDD, residential homes and more PO-R uses. One of the main concerns of the Board was whether the access to the 3-parcels on one common driveway was a safety factor. We talked with the West Crescent Fire Chief and went over the plans and came up with a plan that you have before you of what the Chief agreed to meet all the departments' safety concerns. We are following an existing driveway. The Board was concerned with screening to neighboring properties so we added arborvitae tree lines until the wooded area and then 6' high 5' on center. The new plan before you is what CHA requested for storm water pollution control plan be prepared. The drainage all stays on-site and goes back to a retention detention area and is located near the National Grid sub station and part of the Storm Water Pollution Control Plan is required some kind of green infrastructure. In this case we are leaving a no-cut buffer up to 2.25 acres of a conservation easement to meet the infrastructure requirements for the storm pollution plan. The retention basin and the catch basins that is going to be owned and maintained by the landowner. It is setup so that each future property owners will take that over and in no point in time does the Town take any responsibility for that. It will always be under private ownership. We have addressed all of the safety concerns and a sign off from the Fire Chief. I believe we have answered most of CHA's concerns and comments if not all of them with regard to the Storm Water Pollution Control Plan.

Mr. Bianchino, CHA commented: The revised plans and revisions to the SWPPP I think today with a quick glance looks like the additional information is there but we have not gone through that yet. The first page of the comments were about clearing and grading up to the property line in certain areas and the concern about whether the Board was comfortable with the amount of clearing to the property line, the amount of vegetation and the arborvitae along the existing houses going to be acceptable from a screening standpoint.

Chairman Ouimet commented: At the pre-meeting we had conversation and concern over the fact that the storm water retention area appears to be a clear-cut straight to the border of the property are we looking at this correctly?

Mr. Rabideau commented: Yes, it's correct. We followed the scalloped line around the property and needs to be graded for the retention area. The advantage of having it located here is because it's near lands of National Grid. It has a nasty look to it right now but the clearing will clean up the area. The Storm Water Management Plan now we are required to leave this area as a conservation easement.

Chairman Ouimet commented: The Conservation Easement Area is that in the wetlands?

Mr. Rabideau commented: The wetlands are in the Conservation Easement Area that is correct. The storm detention area is setup so that there is no disturbance it is all in the upland areas.

Chairman Ouimet commented: So you have storm water retention, wetlands, and conservation and all the unusable land but you are going to meet the green space requirement?

Mr. Rabideau commented: That is correct the only wetland area is the strip that separates off the storm water management area and the conservation area. Everything from this point is forced uplands.

Chairman Ouimet commented: Who is going to maintain the storm water management area?

Mr. Rabideau commented: The landowner will maintain it.

Chairman Ouimet commented: Which landowner the one in the last lot or all three lots?

Mr. Rabideau commented: At this point in time it will remain in one ownership. Right now the person owning the project will own Lot A, B, and C and in the future potentially sell off a lot but it is setup so that there will be a maintenance agreement because everybody is required to maintain it to meet the storm water pollution plan.

Chairman Ouimet commented: Who will be maintaining the vegetation buffer at the beginning of the shared driveway? Part of it is technically attached to Lot A and another part is technically attached to Lot C.

Mr. Rabideau commented: It will be part of the driveway maintenance agreement.

Chairman Ouimet commented: Even though it's on someone else's property? Ultimately because when one owner owns all three lots that is fine but once the lots start to be sold off it's not so fine anymore.

Mr. Rabideau commented: That's correct but they have language where they are going to be required to be part of this maintenance agreement common area that would include the arborvitaes.

Chairman Ouimet commented: In your experience does that will work?

Mr. Mike Sauterly commented: I am the owner of the property we are going to have an easement put in place so when we subdivide the lots we will have a legal agreement set up for each of the lots with an easement of what the responsibility is for that.

Chairman Ouimet commented: Do you have any experience with those kinds of agreements?

Mr. Sauterly commented: Oh yes absolutely I have 3 properties on Vosburgh Road and we did the same exact thing we had 250' driveway so we have a legal agreement that gets filed with the County. I just wanted to clarify that with the Board.

Chairman Ouimet commented: That is the same thing as with the storm water management area.

Mr. Rabideau commented: That is correct everybody is going to share in that.

Chairman Ouimet commented: So I take it from this conversation that you are proposing to pave this common driveway or not?

Mr. Rabideau commented: Right now it is just crushed stone, on the storm water plan there is a rain gutter that can be graded in but if it does get paved a rain gutter will be effective.

Chairman Ouimet commented: But it will be constructed in such a way to hold 80,000 pound fire truck?

Mr. Rabideau commented: That is correct the driveway you see on the plan has to be built like that to meet the Fire Chief's strict requirements.

Chairman Ouimet commented: I am not really excited about the storm water management area clear cutting straight to the property line but I will open it up to the rest of the Board to make any comments.

Mr. Higgins commented: On CHA's first page of his letter there are three items one was the clear cutting the other was how are you going to get the storm water all the way back there? We are talking hundreds of feet are you planning on having it just by natural drainage?

Mr. Rabideau commented: No, on the storm water management plan there are actually a couple of catch basins and I think there is one right here and it's piped to the next catch basin.

Mr. Higgins commented: It seems to me that you are trying to fit too much on the site.

Mr. Rabideau commented: Well it actually works pretty good the issue comes up is when you go from the state considers duplexes almost as a commercial lot so they add this extra layer of pollution control. The idea is to keep it on-site and to purify it on site. Nothing goes off site. It is designed so that all the impervious surfaces end up in that retention basin.

Mr. Higgins commented: You also want to clear cut to the property line to make the retention basin fit and in all my years on this Board I don't think we have ever approved clear cutting to the property line and assuming that the neighbor's buffer is going to be your buffer. I don't care what it is industrial or commercial or residential or in this case it's National Grid it's still not your property it is their property that you are trying to use as a buffer area.

Mr. Rabideau commented: We are using it as a buffer per say we are in a situation where obviously we need buffering between the zones we have had conversations before if it's residential you are not required for a buffer but the Board likes a buffer. We are in a situation where we are up against a substation which by all accounts is industrial when you look at it.

Mr. Higgins commented: How do you know that it will stay a substation forever, you don't.

Mr. Rabideau commented: It's pretty heavy duty substation.

Mr. Higgins commented: I am not arguing that all I am saying again your dictating what the property is and you have no control over that property and again why can't you in order to leave the buffer there you would have to make the storm water retention area smaller and that means you would have to lose one of the sites, correct?

Mr. Rabideau commented: I believe from what Lansing Engineering prepared the storm water plan and the main reason for this configuration of the storm water detention area is the intensity of the driveway as far as width and turn outs.

Mr. Higgins commented: That is a requirement.

Mr. Rabideau commented: Right, and then in order to meet the storm water detention plan this is the requirement it's all a numbers game. You have to have a certain retention amount and ability you have to have the degree in infrastructure with the combination of both we are using the 2.5 acres as screening. We pushed the retention (that is where the water will go anyway) and as far as a balance of the whole project I think it fits in there real well. I know you don't like the idea of clear cutting to the line but considering the impacts to the neighboring parcels. If it were a house or a business the Board would have a real problem with that. I could understand that.

Mr. Higgins commented: I still have a problem with it you are setting a precedent for future development in what somebody else could come back and say well you let them cut to the property line in this case. Then what do we say well that was a different situation. I still think you are trying to fit too much on the site it's too intense for everything on the site. I am still convinced that it's too much for this site.

Mr. Rabideau commented: One of the reasons that we put that there is to avoid the wetlands and balance

Mr. Higgins commented: You have to avoid the wetlands.

Mr. Rabideau commented: You can always get a permit for that but your balancing what type of land you're actually taking out of the equation we are trying to stay away from the wetlands and we can fit this thing right in here. Granted it's up near the property line it's not exactly clear cut to the line I can see maybe 10'-20' on the back side of this. We have to grade enough so that so that where the contour lines are as you can see on the blue lines on the photos to say we are right up against the line I don't think we are.

Chairman Ouimet commented: You are pretty darn close.

Mr. Rabideau commented: I agree with that we are close.

Chairman Ouimet commented: I have to agree with Mr. Higgins you really trying to shoe horn a lot into this little parcel. The parcel is not that little but the useable portions are not significantly large given the size of the parcel. Let's see what the other Board Members have any comments.

Mrs. Sautter commented: You have the retention basin sitting right up to the wetlands area did you take into consideration the buffer that you needed there?

Mr. Rabideau commented: You don't need a buffer.

Mrs. Sautter commented: You don't need a buffer because it's a retention basin?

Mr. Rabideau commented: No because those are federal wetlands and they have no jurisdiction beyond the wetlands line. We would incorporate up to the wetland line.

Mrs. Sautter commented: Also, can you clarify again what you just told the Chairman that you could move them but you would have to have to put them somewhere on the lot. You are saying you don't want to disturb the wetlands.

Mr. Rabideau commented: The priority in developing is to avoid wetlands. That is what we are trying to do.

Mrs. Sautter commented: Just so you are clear you are saying that you could just get a permit and get rid of those.

Mr. Rabideau commented: No it's not that easy.

Mrs. Sautter commented: You would have to move them but I just want to be clear at what you said.

Mr. Rabideau commented: We are in a situation where the Army Corp has discretion on these as far as if we are saying we want to move the retention basin and take out more wetlands they can say you have enough room for a retention basin leave the wetlands alone. They could say no and force us to minimize the idea is to minimize. That is the criteria for the ACOE if there is no other option they will grant you a permit but they do scrutinize pretty heavy especially on situations like this.

Mrs. Sautter commented: You are disturbing wetlands with the driveway.

Mr. Rabideau commented: Yes, a very small area I think maybe less than 1/10 of one 1/100th of an acre.

Mrs. Sautter commented: I think that at the public hearing one of the neighbors said it is always very wet back there the area where you are putting the driveway through. I just wonder if that will be one of their concerns. Also, we had a question on the EAF short form?

Mr. Harris commented: There is a potential of a sensitive archeological significant area.

Mr. Rabideau commented: On the short forms they automatically fill in some of that information. What that indicates is that it falls within the grey circle.

Chairman Ouimet commented: I am sorry Dwayne you are either in it or your not.

Mr. Rabideau commented: That is true.

Chairman Ouimet commented: Let me ask you this point blank. Are there any architectural sensitive issues in this piece of property?

Mr. Rabideau commented: Until we get an archeological report which would come at the point where we get the Corp permit.

Chairman Ouimet commented: I guess the answer is you don't know.

Mr. Rabideau commented: At this point in time, no.

Chairman Ouimet commented: Should we wait until we know?

Mrs. Sautter commented: I also remember reading there was also some environmental delicate issues in that area as well. I am not sure if it was plants.

Mr. Rabideau commented: It was the long eared Bat which is going to be a nightmare for everybody. That can be mitigated.

Chairman Ouimet commented: Would anyone else like to speak?

Mr. Nadeau commented: Did you say that the buffering against the wetlands that you do need that? What is the width of that area and could you bring it in line more?

Mr. Rabideau commented: No, it is designed to fit in between everything. It would have probably ended up moving it towards the Vandenburg Lane side so it would just be modified to do something different right now because of the clear cutting for the detention basin it is in the best location on the site.

Chairman Ouimet commented: Given the fact that there is a power substation and the power folks don't care what they are looking at.

Mr. Rabideau commented: No they don't care.

Chairman Ouimet commented: That is the theory correct?

Mr. Rabideau commented: I will stick that theory yes because there job with the substations they keep it clean but it still looks like GE down there. The power lines they maintain it just enough to get the electricity through.

Chairman Ouimet commented: That is an interesting comment Dwayne because if you were to get approval you would be putting a water storm water retention area and you would be contributing to the look of the area, correct. That would enhance the look of the power station area so actually it would contribute to the fact that it looks bad.

Mr. Rabideau commented: No we still have where the substation is in between that and where the property line is located we have that vegetative buffer that still exists there.

Chairman Ouimet commented: Yes, but it's not yours. It's not there's.

Mr. Rabideau commented: The retention basin it's not as intense as what the Town is being required over the years in the major subdivisions this is a lot smaller.

Chairman Ouimet commented: Speaking of detention areas do you have any experience anywhere in the Town where private owners are maintaining storm water retention areas similar in size to the area that you are proposing here? Private owners?

Mr. Rabideau commented: No not in my experience.

Chairman Ouimet commented: So this would be your first?

Mr. Rabideau commented: The first in line, yes. There is going to more of these because of the storm water plans.

Chairman Ouimet commented: A lot of people want to over develop small pieces of property.

Mr. Rabideau commented: No just develop pieces in general. There are going to all be required to deal with this.

Chairman Ouimet commented: Thanks.

Mr. Partlow commented: I am going to stick with the clear cutting but also talk about the grading. When you look at the map the blue lines that are closer together means that it is a hill is that correct?

Mr. Rabideau commented: No, it is inverted they are holes. No they are either up or they are down. In this case they are down. It denotes holding areas for the water. These systems are designed and have certain requirements that they have to meet and these are designed to meet those requirements. You have the first one which is a hole which I believe is a 4-bay it goes in there gets pre-treated then at some point if there is enough water it goes across into the next basin for storage.

Mr. Partlow commented: So being this close to the wetlands if you start grading this out isn't it going to start running into itself?

Mr. Rabideau commented: No.

Mr. Partlow commented: Do we have proof of this through Engineering?

Mr. Rabideau commented: Yes because this is a designed system it gets vegetated.

Mr. Partlow commented: I know of another property that has a designed system and it is affecting other residences that are nearby that particular basin where water is actually running into their property.

Mr. Rabideau commented: We don't see that issue at all here. There won't be other residences. Everything stays on site.

Mr. Partlow commented: What about an overflow situation and heavy rains water heading out of the basin and down to the electrical grid?

Mr. Rabideau commented: It is set up and it would have to be a pretty heavy duty storm. Not sure what the design standards are they are designed either for one in 100 or one in 500 year storms. I am not sure what the numbers are.

Mr. Partlow commented: We had two of those in the last 10 years.

Mr. Rabideau commented: Right but everybody has had that issue. It is not just this one. This is set up so that if there is an overflow situation it would flow into the existing wetlands and then that would act as a buffer heading north across the existing wetland corridor that goes through National Grid's land.

Mr. Partlow commented: Is the need for three lots absolutely necessary? I just feel that we are crowding this particular site with too much. I agree with Mr. Higgins as well it is just too much.

Chairman Ouimet commented: In the beginning of the meeting I asked if anyone from the public would like to speak but having heard the presentation from the Engineer and the questions from the Board would anyone from the public wish to speak at this time?

Chairman Ouimet closed the public hearing at 7:37 PM. Based on the comments raised by the Board I am going to refer this back to CHA because I don't think had sufficient time to review all of your presentation.

Mr. Rabideau commented: As far as intensity if it gets knocked down to 2-duplexes is that going to alleviate the Board's concern of packing too much into the site?

Chairman Ouimet commented: It certainly helps.

Mr. Nadeau commented: I think it would help quite a bit.

Mr. Ouimet commented: I think it would help a lot but I also think it really needs to go to CHA because they really need to take the time to take a look at what you are proposing if you want to make an amendment to your proposal to change the configuration in some way. Just get it to CHA and we will get it back on the agenda. If it's a significant change I think we would have to re-notice the public and invite them back to talk. I have to tell you I said this before I am concerned about the maintenance of the storm water. How ever it looks at the final design and the maintenance of the vegetative buffer along the roadways if they are assigned to one lot verses two lots verses all three or

all two or whatever the final configuration looks like as long as its one owner its not a problem, as soon as starts to be sold off its starts to become more complicated as the French say.

Mr. Rabideau commented: They would have it set up so that everybody is responsible for it.

Chairman Ouimet commented: I understand that but that doesn't necessarily mean that it gets fixed.

Mr. Partlow commented: How are they held responsible does the Town go to the back and take a look at that?

Chairman Ouimet commented: I don't think the Town has any horse in this race sort of speak as far as the continuation of maintenance.

Mrs. Murphy commented: The only thing that I would ask that I was waiting for the Board to go further through is that we would require an emergency easement to go in just on the storm water part because if it fails and it causes a problem we may have to go in there and fix it. As far as the no cut buffers and the maintenance agreement that is between the owners.

Mr. Ruchlicki commented: The power line is that a high tension wire?

Mr. Rabideau commented: There are two high tension wires.

Mr. Ruchlicki commented: So on a regular basis the power company the power company is going through there and defoliate that area within that zone every two to three years.

Mr. Rabideau commented: Yes, that is correct. That is why I am saying what I am saying because I see it.

Mr. Ruchlicki commented: That particular area that you are dealing with as far as foliating that area in the back they are taking care of it for you by taking care of it every 2 years they are taking it out of there.

Mr. Rabideau commented: As you can see it looks like it's due to be done.

Chairman Ouimet commented: That is the line that crosses the Northway below Exit 8 and comes along side.

Mr. Ruchlicki commented: I just wanted to point that it is ultimately the power company is stripping that clean every 2 years.

Chairman Ouimet commented: This is being referred to CHA for review thank you.

New Business:

15.054 Old School Towing & Road Service, 15 Route 236 – Change of Tenant/Use

Mr. Greg Massengale owner of Old School Towing commented: It is a commercial site that is in existence and basically I am looking to occupy it as a new tenant there. It is 15 Route 236 it's in the back of the building.

Chairman Ouimet commented: It's behind the plaza? The access is along side of the plaza where the cell tower is located? Is that your tow truck parked outside of the cell tower right now? Are you proposing to use a structure behind there?

Mr. Massengale commented: Yes, there is a 2-car garage back there and I wanted to make it my home base for my towing company where I will keep my equipment and occasionally we may do light maintenance and repair after going through DMV.

Chairman Ouimet commented: Are you proposing to do equipment storage back there? If you tow a car will it be stored back there?

Mr. Massengale commented: No, I can't have tons of vehicles there because there is not enough parking there for that. I actually own property in Troy, NY and I have a whole separate lot that I can use as an impound yard. If there were one or two cars here I could put a couple back there but it won't be anything like severe overload where there will be 10 cars back there. I don't want to look at them.

Chairman Ouimet commented: Are you going to have a Motor Vehicle repair shop back there too?

Mr. Massengale commented: Yes, that is what I am trying to do as well. It is going to be for light repair nothing like engine work no big major jobs just little jobs.

Chairman Ouimet commented: This building right now is not approved as a repair shop, correct?

Mr. Massengale commented: Right now there was some kind of garage there I found evidence that it was used as a retail car lot as well as MDM where did antique cars by appointment only type stuff so it was used as a garage at some point in time.

Chairman Ouimet commented: How many tow trucks do you have?

Mr. Massengale commented: I have 2 tow trucks. One is on the road and one is not.

Mr. Higgins commented: Looking at the approval for this site that area in the back that you are talking about was designated as storage. It was not designated as an active site the facility in front and the parking for those was all based on square footage per the Town requirements. The 2-car garage designated in the back on the approved was just storage it was not intended to be an active site according to the drawings we looked at in the pre-meeting. If it was previously used as storage for antique cars that is one thing but what you want to do here you want to actually change the designation for the garage from storage to an active business site.

Mr. Massengale commented: Yes with my primary use being for my tow trucks and my personal stuff and secondly I would use it as a towing company we may come across someone that needs simple work done.

Mr. Higgins commented: I am very familiar with towing I have CDL with tow truck endorsement now, to have the designation of a repair shop you would be required to have a certain number of parking spaces. You would need the proper facilities for disposal of oil and antifreeze and everything else that goes along with that which is required by the State. In addition to that do you do any Town towing in this area.

Mr. Massengale commented: No, not yet. If I am using my storage yard in Troy I cannot do it in Clifton Park or State Police tows out of Saratoga County because I don't have Saratoga County storage yet. There is parking there along the backside of the building.

Mr. Higgins commented: Those spaces are included in the parking allotment for the businesses in the front.

Mr. Massengale commented: There is more parking back there besides the allocated spaces for the site plan. It would be in the dirt line but there would be parking.

Mr. Higgins commented: I think we need to a committee site visit of this because what we have on our approved site plan for that site is definitely different than what you are talking about here.

Chairman Ouimet commented: That site has significantly changed with the cell tower going in.

Mr. Berkowitz commented: Is that garage attached to the main building?

Mr. Massengale commented: Yes.

Mr. Berkowitz commented: Who are the other tenants in the building.

Mr. Massengale commented: Labella Pizzeria, Hair Salon, Tattoo Parlor and a Chinese Restaurant.

Mr. Berkowitz commented: Your proposed garage would you be doing auto repair?

Mr. Massengale commented: Yes I would and the oil and anti-freeze would have to be disposed of properly.

Mr. Berkowitz commented: What about the fumes associated with the business? You have restaurants and a salon with a common wall and possibly common ventilation.

Mr. Massengale commented: My ventilation is not part of their ventilation it is a steel building, it is attached.

Mr. Berkowitz commented: That means that the roof lines are attached too.

Mr. Massengale commented: I am not sure if the roof lines are attached.

Mr. Berkowitz commented: If I had a business and I have a garage attached to my business and I would get fumes coming in from your garage I wouldn't be happy.

Mr. Massengale commented: Nobody has made anything to the contrary of it. The landlord is actually spoken with everyone about it to my belief and there hasn't been anyone that has anything negative to say according to the landlord.

Mr. Berkowitz commented: There wouldn't be anything negative until an incident happens. If you start generating fumes and it travels in the next business.

Mr. Massengale commented: Where would I be generating the fumes from?

Mr. Berkowitz commented: Oil changes, starting up cars in the garage and changing anti-freeze.

Mr. Massengale commented: When you start up a car in the garage I have to open the door I can't just start a car those fumes are no good for myself as well.

Mr. Berkowitz commented: I understand that but with the door open and you start a car the fumes still go into the garage and can get into adjoining structures.

Mr. Massengale commented: With an oil change you don't get fumes.

Mr. Berkowitz commented: You do get odors.

Chairman Ouimet commented: Let's set up a committee to visit the site: Mr. Higgins, Mr. Ruchlicki and Mrs. Sautter will report back to Board. We will schedule it at the next pre-meeting.

Mr. Harris commented: We will send you an e-mail or call you to let you know. It will be the week of May 25, 2015.

15.055 Aqua Science, 215 Guideboard Road (Country Dollar Plaza) Change of Tenant/Use

Mr. Stephen Grandeau owner of Aqua Science of NY Inc. commented: We are a water treatment company. We do water softening, purification for residential, commercial, industrial customers we plan to have a retail location at this site as well as storage for our equipment. We do very light walk-in mostly our business is in-home sales or industrial locations. We go to the location more so than people coming to us. Occasionally we do get people stopping in to pick up products such as salt, filters or questions about their system.

Chairman Ouimet commented: Do you store corrosives on site?

Mr. Grandeau commented: We store salt on site. We have 50 pound bags of salt technically classified as corrosive by the classification company so we do placard the facility for it. We also have a small amount of chlorine that we keep for our customers nothing that is above State limits but we also placard that as well.

Chairman Ouimet commented: Rich/Paul did you had an opportunity to take a look at the parking requirements for this proposal?

Mr. Marlow commented: We have 16 parking spaces required under the Town Code and there are over 150 parking spaces on site.

Chairman Ouimet commented: That Town Code is based on the square footage is that correct? It's not based on employees or the number of business vehicles that maybe in use.

Mr. Marlow commented: It does factor in employees but I believe he said on his application that he has 2-3 employees.

Mr. Grandeau commented: There are 3 service technicians, an office person, myself and a part time accountant that comes in after hours.

Chairman Ouimet commented: Do your technicians leave their own personal vehicles and take company vehicles?

Mr. Grandeau commented: Yes they do. Two of them leave a vehicle there one catches a ride with one of the other technicians.

Chairman Ouimet commented: So there is 3 company vehicles parked on site they bring in 3 personal vehicles and they remove 3 company vehicles.

Mr. Grandeau commented: Yes.

Chairman Ouimet commented: You have been in business for a while in the Town of Clifton Park.

Mr. Grandeau commented: We have been there for 18 years and if we get 6 people a day we are very happy.

Mr. Berkowitz commented: How is the salt, parts and filters delivered?

Mr. Grandeau commented: They are delivered from a local distributor which uses a small box truck it only has 2-axles or occasionally we get once or twice a week we get an interconnect company with a tractor trailer that will park for 15 minutes with one pallet at most.

Mr. Berkowitz commented: What time are your deliveries.

Mr. Grandeau commented: We try to do them early in the morning but I have control over the freight companies. We will work around people's schedules. We want to be good tenants and work with out fellow tenants.

Mr. Berkowitz commented: There are residents across the street in the back. Do you get 6 AM deliveries?

Mr. Grandeau commented: We don't open until 8:00 AM there is never a truck there before then. It's dark at 6 AM no deliveries that early!

Mr. Higgins commented: This is taking the place of one of the locations that was previously approved for the baseball? Is this the larger one or the smaller one?

Mr. Harris commented: This would be splitting the larger one. They are taking the one on the left next to the Bank the larger one. We met a few months ago with their interest of splitting the space and this would go in that space.

Chairman Ouimet commented: Was this the Army Navy Store or the next one over?

Someone replied no and was not on microphone. Mr. Higgins asked someone to come to the microphone? (Thank you John)

Mr. Crownin representing Peter Vasilakos commented: We tried to rent those spaces as whole spaces then we found that you control the parking so we decided to split the spaces and create smaller retailers so this space was a stereo repair shop on the left side and on the right was formally Fred the Butcher.

Chairman Ouimet commented: Are there any more vacancies?

Mr. Crownin commented: Yes there is still an 8,000 SF space but we are going to try to do the same thing and find smaller retailers that may be interested with in and out traffic.

Mr. Higgins commented: This finishes out that spot correct?

Mr. Crownin commented: This finishes up Fred the Butcher spot which was 5,000 SF space.

Mrs. Murphy commented: You mentioned that you have inventory there. You understand that there is no outside storage.

Mr. Grandeau commented: Correct, there will be no outside storage. It is sensitive to heat and to cold temperatures everything is inside.

Motion was made by Mr. Berkowitz for change of tenant and use, seconded by Mr. Higgins. Motion was carried.

Chairman Ouimet commented: You are approved welcome to Halfmoon.

15.48 **Maintain Consulting & Inspection Services LLC, 46 Upper Newtown Road – In Home Occupation**

Mr. Joel Peller, Attorney with Block & Colucci in Halfmoon commented: I am representing Maintain Consulting & Inspection Services Christopher Patenaude is the record owner of the property and recently became certified under the National Association of Corrosion Engineers. That

certification will allow him to start his own business and he is looking to operate out of his home on Upper Newtown Road. Mr. Patenaude meets all the requirements under the Code. He is the only member of the family that will be in the business, the business will be in less than 30% of the home, he has a designated office type room, and he is not looking for a sign, not expecting to have any visits from the public so there would be no sign application. There will be no parking issues, no employees and has no disturbances, odors, electrical, dust etc. Business is not seasonal so in essence what he would be doing is being hired as a consultant and an inspector for linings and coatings by municipalities such as Halfmoon to look inside of a water tower. A perfect example would be to inspect the re-building of the Tappan Zee Bridge. He would be going out on site doing his work and then coming back and preparing written reports with the computer, fax and the phone. We are looking for a home base permit.

Chairman Ouimet commented: Are there any questions from the Board?

Mr. Higgins commented: Will he have any inventory on site.

Mr. Peller commented: No inventory sir.

Motion made by Mr. Nadeau to set a public hearing for an in-home occupation for Mr. Patenaude at 46 Upper Newtown Road, seconded by Mr. Higgins for Tuesday, May 26, 2015. Motion was carried.

Chairman Ouimet commented: I don't think we need an expanded notice for this. Thank you.

15.050 Garden Time Inc., 1467 Route 9 – Addition to Site Plan

Mr. John Lapper, Land Use Attorney commented: Mr. Roger Keating, Project Engineer from Chazen Companies and both Mr. Fred and Jim Troelsera who are principals of Garden Time are all here tonight. We are all very familiar with the history of this project. In 2011 it was approved for 55 units and in 2013 they came before the Board and asked for an expansion to 120 units which was not acceptable to the Board but we have gone through all of the minutes, had discussions with the Town Planner and listening to what the concerns were the proposal now is to come back with something very different that is really well landscaped. We understand this is the gateway corridor to the Town south end of Route 9 and just to take a step back to what Garden Time does besides selling these really expensive fancy units they sell plant materials as well: trees, shrubs, plants, annuals and perennials and with that background they can take this and make this into a really attractive site so it will look like somebody's fancy backyard with walking paths and a lot of shrubs and a lot of perennials and that is what we have on the proposal so this will be an enhancement to the corridor for the Town something that will really be attractive rather than look like it's just a bunch of storage sheds stored in a row. It is designed to look like it would look in someone's backyard. We have moved the setbacks back from the road. We created a designated parking area, walking area and the areas for sold units will be in the back and not visible from the road and the number we are now asking for is a total of 95 units rather than 120 units which would include any units that are sold so it would never be more than 95 units on site. We hope the Planning Board sees this as an attempt to work with you and address your concerns and to do something that would be really nice in that corridor. Most of the site will be left vacant in the back.

Chairman Ouimet commented: It looks like you are proposing two offices on site?

Mr. Lapper commented: There is one office on site now and there is going to be another office (if you are on the site there is a grey building that has really nice split block pavers in front of it) the proposal is to make that the office because that is a really attractive spot with the pavers and an attractive building. There is an office there now and there is a proposal to move it so there would only be one office.

Chairman Ouimet commented: Ultimately there will be one office not two.

Mr. Lapper commented: Yes.

Chairman Ouimet commented: Will it be located where it is now?

Mr. Keating commented: Mr. Chairman the item under consideration for the office space is the one that is more centrally located into the site. It is centered near the driveway when coming into the facility. The old office space is the old Hair Hut that was there years ago.

Chairman Ouimet commented: It is interesting you have designed parking including 2 handi-cap spaces for the old office and you haven't designed anything for the new office and I wanted to know why.

Mr. Keating commented: We can re-organize the handi-cap space location, we have the ability to move those around, the original plan had those spaces there it looks like a carry-over from that but we did add a sidewalk in front of that office space so we would need to move those spaces.

Chairman Ouimet commented: What would you do with the space that was formerly occupied by the office?

Mr. Keating commented: For the old Hair Hut building. I will defer that to Fred.

Mr. Fred Troelser, Garden Time commented: The old Hair Hut building has the bathroom and the plumbing so we maintain that. The new office will not have that.

Chairman Ouimet commented: So you have two office buildings one because it has a bathroom and you won't use that as the office that also has accessibility to for someone that is handi-capped. You have a new office that has no accessibility and no bathroom that you will use as an office. I am confused.

Mr. Lapper commented: It is a seasonal business there so we are not open year round we are just going to maintain the restroom in that old building and we didn't plan on putting any new infrastructure in for a new bathroom in the new office. We are not going to plumb the new office.

Chairman Ouimet commented: It is confusing to me I don't know about the other members of the Board.

Chairman Ouimet commented: I just ask the Members of the Board to be patient with the phasing of the project will look at and how they want to roll this out.

Mr. Lapper commented: I look at it as there is a bathroom building and there is an office building because you need to have both services.

Mr. Higgins commented: You mentioned about landscaping and I am familiar with the other two locations you haven't done any landscaping on Dicks Avenue, I've noticed.

Mr. Lapper commented: Queensbury on Quaker Avenue is that what you are referring to? That area was done to the standards required by Queensbury and is not quite as attractive as what Roger put on this plan in terms as ornamental grasses and perennials but it's arranged similarly so it's not just stuff thrown there it's arranged so it makes sense. It's not as attractive to what we are proposing for Halfmoon.

Mr. Higgins commented: I am sorry Quaker Avenue. And the other location is?

Mr. Lapper commented: Wilton.

Mr. Higgins commented: Same thing it's just basically sheds on a flat area.

Mr. Lapper commented: Yes.

Mr. Berkowitz commented: If this gets approved will the screening occur prior to the expansion of the project.

Mr. Lapper commented: Yes, this would part of the site plan so we would get in there and do the landscaping immediately.

Mr. Berkowitz commented: Prior to moving in any other units around.

Mr. Lapper commented: That is fine as a condition absolutely.

Mr. Berkowitz commented: Also, the number of units bordering on Route 9 is that staying the same or is that increasing?

Mr. Lapper commented: It is what is on the plan now.

Mr. Berkowitz commented: I don't know what the old plan is like so you will have to compare the new one to the old one.

Mr. Lapper commented: Previously where the sheds were displayed were along these areas.

Mr. Berkowitz commented: You also had the swing sets up front.

Mr. Lapper commented: Right, part of our plan there would be to have just one swing set up in the front along Route 9. The rest of them are going to be deeper into the site into the shaded area that is behind the existing Hair Hut building. The other sheds that we had previously on the plan were extended into this area here and so what we are looking to do is then to have additional sheds in this area and what we have done since the previous time the plan was before the Board is a lot of these units were pushed up close. We had a center isle that went before all the sheds and garages and what we have done is we have pushed them back further from Route 9 and put the walkway in the front so that we can then provide the landscaping along the walkway which would then soften that view on Route 9.

Mr. Berkowitz commented: How many feet are those being pushed back from where they are now?

Mr. Keating commented: This was a 40ø wide no display zone that we previously had with the units pretty much up to that space now, I don't have my scale on me but I am guessing approximately another 15ø or so deeper into the site from where the displays were previously. That is about 80ø or so from the pavement edge. Just to give you a point of reference if you are standing out there it would give you an idea.

Mr. Berkowitz commented: And also on your landscaping that is superimposed on one of our pictures those are mature trees that you placed on there. What size trees do you plan on placing in the beginning those are pretty large trees obviously you can't put them in right now.

Mr. Keating commented: Sure, understood we would be looking at probably around 3 ½ø size trees caliper at that size.

Mr. Berkowitz commented: Those are deciduous and canephors or?

Mr. Keating commented: We would be proposing a mixture of those just so you get some winter color as well but a mix of both.

Mr. Berkowitz commented: So going back to my first question how many units will be bordering Route 9 versus what how many units are there now. In counting those ones behind the path because that is bordering Route 9.

Mr. Keating commented: Again, the ones and I want to be clear as to what I am stating just because we have some that would up against the pathway its self but there is also.

Mr. Berkowitz commented: Right, but you will still see those from Route 9 so I consider that bordering Route 9.

Mr. Keating commented: So just from in here I would say there was 8 in that run right there.

Mr. Berkowitz commented: Yes, then you have the trees.

Mr. Keating commented: So you have a total of 11 on display.

Mr. Berkowitz commented: And how about on the other side?

Mr. Keating commented: Over here there is 3 pavilions, 1 swing set, and then.

Mr. Berkowitz commented: We have 15 here so how many are there now?

Mr. Keating commented: I don't have the actual count as to what is out there today.

Mr. Berkowitz commented: It does look like it is broken up a little.

Mr. Keating commented: There is less than 15 right now.

Mr. Berkowitz commented: What you gave us is most of the expansion from Route 9 or no? Will it be buffered by the trees and also by the units bordering on Route 9?

Mr. Keating commented: It will be a lot softer because there will be a lot more landscaping and they are being pushed back at least 15' from where they are now.

Mr. Berkowitz commented: In most of the expanded units what size will they be will they be sheds? Will they be garages? Will they be?

Mr. Keating commented: One of the things that we did do on this plan that was different than the previous plans was we really made an attempt this time out to group more of the like style products to help reduce that feel for clutter so it gives it a more organized feel. So in that particular area that would primarily sheds with the larger units being garages. So the sizes vary, some of these are very custom type of products there is not a similar size each and every time out there are some that are very standard. Generally that area there will be for sheds and garages there is one gazebo on that side of the site before the gazebos were inner mixed all between.

Mr. Berkowitz commented: Proportionally are you increasing more of the number of garages or more of the number of sheds?

Mr. Keating commented: More of the sheds.

Mr. Berkowitz commented: How many garages are there now out of the 55 units?

Mr. Keating commented: Three. Four.

Mr. Berkowitz commented: And you are going to have about 14 proposed. As you sell them they will be transferred to the back area?

Mr. Keating commented: Yes, so the intention is with the 95 units we have depicted an area on the site plan that would be used for sold product and so that is in the center portion in the rear of the property so if someone was to come purchase a shed that item would essentially be removed from the display area and brought back so that it could be braised and such for shipment.

Mr. Berkowitz commented: How quickly will that shed be replaced on display?

Mr. Keating commented: Not until that shed is delivered to the homeowner.

Mr. Berkowitz commented: There won't be 95 sheds on display and 10 waiting for delivery.

Mr. Keating commented: There will be a total of 95 sheds, gazebos or whatever. There will be 95 or less. The intent is that to bring that sold product to the rear and then have it brought out for shipping. So once that product was to leave the site we would have 94 units then Garden Time could bring in a new unit in and put it back in the display spot.

Mr. Nadeau commented: I would like to clarify. We are talking about 55 units and looking at previous minutes I am showing 57 units approved.

Chairman Ouimet commented: 57 units so he has 2 units less than what was originally approved.

Mr. Nadeau commented: I am just saying we are always talking about 55 units when did they get approved?

Mr. Keating commented: It is probably because of the office.

Mr. Nadeau commented: Ok. So we are increasing this almost 85 ó 90% of what you had so where did we gain the extra property. I am a little confused with that.

Mr. Keating commented: So this sort of a give and take and you are right so we are proposing to go from 55 units to 95 units but we are offering is really substantial landscaping to soften this look to make it look like a finished site rather than just a stock yard to move the buildings back to group them similar type of buildings to reduce visual clutter and to make something that you will be proud of when somebody drives by it will enhance the entrance to the Town.

Mr. Nadeau commented: Again when I look at the minutes they basically said the site is too small for the number of units that you are using. I am trying to see where we gain.

Mr. Keating commented: To respond to that it is a 7 acre site where we are only using a small portion of it. Most of the site stays trees in the back there is no reason to use. There is a lot more that could be expanded somebody could do a lot development on this site, we are proposing that.

Mr. Nadeau commented: You are not doing that. So you are still adding 40 more to what you currently had.

Mr. Keating commented: We are expanding it towards the rear more than what is there now. As we said, moving it back 15ø from where it is it is going to be on a different part of the site but will look a whole lot prettier than what it looks now.

Mr. Nadeau commented: It looks cluttered now, you're moving it back 15ø but your adding 40 more units.

Mr. Keating commented: But those 40 units aren't just going to be thrown on the site they are going to look like they would look in your backyard with plants and pathways it will look attractive. It is an expensive project.

Mr. Higgins commented: If the applicant wanted it to look nice why didn't he dress it up before now instead of coming into this Board saying well I am going to do all of this stuff but he has never done any of this in the past.

Mr. Lapper commented: The response to that is I am a land use Attorney I do this 3 nights a week and they came to me a number of months ago with the minutes of the meetings and I obviously wasn't here and we sat down and looked at him what is the Board really looking for? At that point we talked about it and said let's offer this because we think that when we look at the minutes of all those meetings what the Board is really concerned about is visual clutter and making this look like an attractive entrance to the Town from the south. So maybe it didn't get figured out at that time but I think it's figured out now.

Mr. Higgins commented: Why is it taking 5 years for the applicant to figure it out?

Mr. Lapper commented: I can't say but I think that the result will be something that you will be proud of a landscaped site that will look really nice.

Mr. Higgins commented: Why don't you landscape the site and then come back and ask us?

Mr. Lapper commented: The landscaping is being done to accommodate the expansion to put pads in where there will be units. Like any other site plan that this Board approves the location of all the plantings, the grasses, the paths this is all going to be on the final site plan for approval.

Mr. Higgins commented: The applicant has ignored for years.

Mr. Lapper commented: This is a different project. I don't want to ignore this.

Mr. Higgins commented: It's an expansion of an existing project.

Mr. Lapper commented: With a lot of landscaping, with a lot of finished landscaping, a lot of trees, scrubs and perennials nice stuff.

Mr. Higgins commented: I for one agree with Marcel I think you are putting way, way too much on the site. Whether you dress it up with some landscaping that will hopefully go in there. But, I am looking at it and I am saying to myself you want 95 units including what's going to be in storage area. So let's say the applicant said last time said there were 10 sold units on the site with 55 units. So if we extrapolate that out of the 95 units you are going to have 20 sold units.

Mr. Lapper commented: So you could only have 75 units in the front if there were 20 units in the back and that 95 units will never be exceeded. That is what is being proposed. We are certainly not here to be adversarial we understand the history we want this to be something that the Board could support. But, it's going to look nice. In terms of the intensity this is a big site that can accommodate a lot of big buildings there that is not what we are proposing.

Mr. Nadeau commented: I think I like Mr. Higgins comment. Let's do the landscaping and see your potential is with that.

Mr. Lapper commented: It's generally not how land use works. That you do the amenity without getting the approval.

Mr. Higgins commented: With the history of this site and that is why this Board has been burned a number of times when we tried to work with the applicant and he just totally ignored us. Excuse us for being a little cautious but the history of this site has caused that.

Mr. Lapper commented: We are not criticizing you at all for being cautious but I would say that you have all the weapons you need with your Attorney and your Enforcement Officer that if we have an approved site plan that we chose what is going to be there as we said earlier we will stipulate that the landscaping will be done before the additional units are put on the site. We are going to get this done with their staff, their landscapers and make this look exactly like it's on the plan that is how site plans are suppose to work.

Chairman Ouimet commented: I have a question for the Engineer. I am looking at both the site plan as well as the colored version and I am seeing between the sheds space. Another words I don't see them butted up against one another or within my distance to my fellow board member right here. What is the distance between the sheds?

Mr. Keating commented: I don't think there is a set distance.

Chairman Ouimet commented: Let me ask the question differently. Are you proposing to maintain a distance between the sheds? Because, I know that sheds vary in size and if you put a huge shed next to another huge shed it looks less appealing than if you put one not as large.

Mr. Lapper commented: We can sort of agree with that because there is a whole lot more frontage than what we are using with the 15 sheds.

Chairman Ouimet commented: It's not just the frontage it's the depiction on both the drawing and on this map.

Mr. Lapper commented: Yes, that is the intent to have room between the buildings.

Chairman Ouimet commented: I understand what the intent is but like Mr. Higgins said we have a history where intent doesn't necessarily translate into action. But, I just want to clarify what it is you're proposing to do.

Mr. Lapper commented: That is a totally valid point so the answer is to stipulate as a condition and if you want to say 10 or 12 whatever you want between buildings we will agree to that.

Chairman Ouimet commented: Yes, but you won't have enough room for 95 if we put in separations.

Mr. Lapper commented: I think we would. We are happy to do that.

Chairman Ouimet commented: Do you have a sense it doesn't look bad as I am looking at it but you know boxes don't translate into sheds or garages or gazebos or pavilions.

Mr. Lapper commented: If we gave a number of 10 or 12 whatever you want that is what we will maintain it will be a condition.

Chairman Ouimet commented: If you sell a garage will you replace it with a garage or will you replace it with something else?

Mr. Lapper commented: Garage.

Mr. Fred Troelser commented: John the garages come in a couple of varieties there. Ideally we are dealing with the units that are modular in format so they will be forked back onto a trailer and removed.

Chairman Ouimet commented: Yes, I know how it works but what's going to go back in its place.

Mr. Troelser commented: A garage again. Correct.

Chairman Ouimet commented: It will not be a building bigger than what was removed.

Mr. Troelser commented: Correct. Once we identified this that is correct. No.

Chairman Ouimet commented: I know in your depiction you showed different size sheds but in your total you classified all the sheds in respectable sizes as a shed. So you are proposing 54 units of sheds but they vary in sizes and I don't know to translate that into what I am looking at as a plan. Because if there 54 huge sheds it's not going to look like that.

Mr. Keating commented: So what we did is on the black and white version we provided a summary of the typical units, the sizes. So there is 8 x 8, 10 x 16, 8 x 12, 12 x 16, 10 x 12, so I guess we could label each one of those if that is what your looking for.

Chairman Ouimet commented: I am just looking to make sure the distance stays straight and that the site looks as organized in real life as it does on paper.

Mr. Lapper commented: If we do what you suggested John and stipulate 10-12ø between the units you will always be protected that there would be that setback between the units. So if one was a little smaller next time then the next one could be bigger visa versa but if you maintain the 10-12ø it won't look like too much on the site.

Mr. Berkowitz commented: The sizes on the black and white picture of the sheds are all different. Do those indicate the sizes of the shed going in that spot?

Mr. Lapper commented: You mean the sizes that are depicted on the plan?

Mr. Berkowitz commented: The size of the box of each S.

Mr. Lapper commented: That is what we were tempting to try to depict that by just drawing it so you can see the difference in the sizes.

Mr. Berkowitz commented: So the longer rectangles would be one of the longer units there like the 10 x 16 and the smaller would be 8ø x 8ø

Mr. Lapper commented: Yes so you could get a feel for the different sizes.

Chairman Ouimet commented: I am sorry you said it was drawn to scale?

Mr. Keating commented: I didn't bring my scale with me but I believe what we ended up doing on all of these was to draw the boxes to the different variety of sizes so you could get a feel for the actual unit sizes would be.

Chairman Ouimet commented: So the distance between those varying boxes is drawn to a scale but you don't know what that scale is?

Mr. Keating commented: The drawing is drawn as 1ø = 30ø so let me see if I have my scale in my brief case.

Mr. Keating commented: Regardless if we stipulate to 10-12ø whatever you want that will be the rule.

Mr. Nadeau commented: The question I have on the sheds you have 54 units how many are different styles? Or how many different styles of sheds do you have?

Mr. Troelsera commented: There is basically 2 or 3 different roof styles for the 54 units.

Mr. Nadeau commented: Ok, what about the garages? Another words you have 3 styles of the sheds.

Mr. Troelsera commented: Correct. So garages would come with a gable style roof, or a hip style roof primarily.

Mr. Nadeau commented: So all the units your saying there is 3 or 5 styles of all the different sheds.

Mr. Troelsera commented: There are 2-3 different roof styles so then there will be variations in sizes of those units. Then doors and windows would vary.

Mr. Nadeau commented: So is it possible that you have a red one and a green one and a brown one but they actually the same thing?

Mr. Troelsera commented: Affirmative.

Mr. Nadeau commented: So why is it that you need to have so many of those. Why couldn't you display those as a picture book saying here is your brown one but this is what it would look like in green or what ever.

Mr. Troelsera commented: In our business we have been doing this for this particular product since 1985 and as the gentlemen mentioned we are at 3 different locations with far greater quantity. People want to see it. It's like a car that is why there is same style cars in different colors.

Mr. Higgins commented: How many sheds, garages, pavilions, what ever are shown on this drawing right now? I am counting about 80.

Mr. Keating commented: We have 95 units with the play area that we didn't draw all of the

Mr. Higgins commented: You just got through telling us that when you sell one you are going to move it into the storage area.

Mr. Keating commented: Correct.

Mr. Higgins commented: So if you are going to move it into the storage area and not move another unit in why do you need 95 units?

Mr. Keating commented: Because there could be times where he doesn't have any sold product at the facility because not every person buys something that is right here. Sometimes people buy them and they get shipped from Wilton so in essence we Garden Time would like to have the flexibility to be able to display up to 95 units with at times they may have to pull a product out for shipping. We can pull it off and have it so they are not trying to do that in the middle of this newly landscaped area. This area is going to be nicely landscaped we are going to be able to pull that product out so we can bring it into the back and get it prepped to ship away.

Mr. Higgins commented: It makes no sense, excuse me. You want 95 units and you are just telling me that if one is sold you are going to take it and put it in the back area to prep it to be shipped. So you are going to have an empty spot wherever that comes out of until it is moved off site and then we will bring a new one in.

Mr. Troelsera commented: What is wrong with that?

Mr. Higgins commented: It doesn't make sense to me. Maybe I am not in the shed business I don't know. You just got through talking in the beginning of the season he had 10 sheds that were sold that he couldn't move off site. So your telling me, let's say he has 30 sheds sold he is going to put them in the storage area and leave 30 spots open?

Mr. Keating commented: As I mentioned we are looking at a cap of 95 units. If you were to travel by us this past winter you may have noticed that there were far less than 55 units there. I think there were maybe 30 or 35 units there. Our goal is not to carry inventory per say over the winter months so it will be reduced and 95 units would be a number that we would like to achieve in the highlight of our season which would be now. To answer the question about if you came in John and purchased a unit a 10 x 16 that was on display there we would put the name Higgins on it and make arrangements with you to see when you would like to receive that unit. That could happen within days it could be a couple weeks maybe you have a pool going in whatever the case maybe. Then what we will do is make arrangements to bring another unit in from Wilton or so. The Higgins could have purchased one that is an order the gentlemen asked if I have in white and you want it in red we will order the unit or maybe you want the windows or the doors in a different configuration that unit will be received at our Wilton lot and then made arrangements from there to deliver to you. It will never come to Halfmoon.

Chairman Ouimet commented: You talk yourself out of this because like you said it's a seasonal business so what we are looking at let's assume we like what we are looking at that it looks really good to us. Basically what you just said is that somewhere along the lines of the seasonal changes it won't look any worse close to that but you will have. If your inventory goes down to what it was last winter it is not going to look anything like that.

Mr. Keating commented: No John I think the seasonal shift if you will, I would say maybe drops 30-40 units from that 95 units.

Chairman Ouimet commented: I would venture to say that is significant based on your depiction. If you bringing this depiction before us to entice us to go along with what you plan, it isn't always going to stay like that because it's not a display, it's just used to store and move inventory, do you see what I am saying.

Mr. Keating commented: Let me clarify that. As we mentioned in this area in the back where we will move the units in theory there is 10 ó 15 units that maybe would be back there. So those would no longer be there that is correct. What we are trying to portrait here is what this would look like at a max and we can shift these units around to make this astetically pleasing. The front is always going to be maintained if you will for a display purpose. So in our off months we still want to portrait that we are in the business of selling sheds.

Mr. Lapper commented: The front would always have units. We can stipulate that the front will except if they are in the back that in the winter the front will always have 15 units if that is what the Board wants to see.

Chairman Ouimet commented: What I would like to see is something like that. That is what I would like to see. But if it doesn't if it looks like what it looks like today when I drove by on my way to this meeting it doesn't look like that.

Mr. Lapper commented: We are not here to play bait and switch if there is site plan approved that says what is there then that is what it is going to look like.

Chairman Ouimet commented: No I trust your not. I take your word for it.

Mr. Nadeau commented: If we were to entertain 15 additional units you have to do your landscaping, correct? You show us with good faith that you can do 15 units and we look at that unit and then we possibly advance you more units.

Chairman Ouimet commented: What are you suggesting Marcel that step into the size?

Mr. Nadeau commented: If they clean it up and make it look similar to what they are showing us, we additionally give them 15 units with them showing us good intent to do what they are telling us, because we are going back to 2011 this site has never really had an approval.

Mr. Lapper commented: You are talking about staging it. As long as we know that 95 is the final number we can do 15 units now do all the landscaping but in order to this and make this investment we need to get to 95 units.

Mr. Nadeau commented: Yes, show us what it's going to look like. Then when you come back at that point and possibly we will give you the addition units.

Mr. Lapper commented: I don't know why it has to be in 2 phases.

Mr. Nadeau commented: So we can see with good intent that you are willing to do this project.

Mr. Higgins commented: So I understand what you are saying you are asking for 15 units on top of the 55 units that they already have will be a total of 70 units. I think I would even be willing to go one

step further and say that in addition to the 70 they can have 5 sold units in the storage unit in the back. I am just talking different options.

Chairman Ouimet commented: Yes, I understand we are bantering numbers back and forth. I don't know that this is fair to the applicant let's say this: In order to move this issue forward this has to go to the County we have not sent anything that looks anywhere close to this to the County for their review and approval.

Mr. Lapper commented: I understand.

Chairman Ouimet commented: In the interim why don't you propose to us a phasing plan on how you want to get to this number and in that phasing plan what landscaping features will be added when, alright that way you will be able to demonstrate good faith on your part and we will be able to sit back and see the results on this absolutely fair conversation.

Mr. Lapper commented: Sure, good plan, send it to the County and we will get you a phasing plan we want to make you happy.

Chairman Ouimet commented: We will send it off to the County but remember we are not approving any more than 55 sheds at this point. You get a phasing plan I don't care if you get it from your Architect or Engineer or however it works for you it's May 11th I know your business is going to go hot fast because it's warm out and people are now able to walk on their property without sinking up their knees in muck.

Mr. Lapper commented: We will get something to Rich in a couple of days.

Chairman Ouimet commented: Does that make sense to the Board?

Mr. Partlow commented: I was looking at all the counts and I don't see all the play equipment.

Mr. Keating commented: For the play equipment they are a little tough to draw just because the slides and things we outlined that area on the plan to where the swing sets and slides live so there is an area for display in the shaded area. We made an attempt to what they would look like on the rendering we were able to put them behind the current office building is where they will all be located. If you have a copy of the color rendering you will see our tent to see the swing and slide. When we put it on the black and white it really dark because the lines were so small we just went with the outline.

Mr. Higgins commented: There is one in the front row also.

Mr. Partlow commented: I did see that. But I was wondering where the other ones were. Second question I have is where is the storage of the equipment that is going to be used for loading and off loading the trucks and for the ground maintenance.

Mr. Keating commented: That would all be in that storage and loading zone area.

Mr. Partlow commented: Are you going to have a shed for the outside equipment?

Mr. Keating commented: He does not have a shed for the outside equipment but it is a good question.

Mr. Troelsera commented: Currently the only piece of equipment there is a forklift the trucks and trailers would operate out of the Wilton location and we have a landscape maintenance company that comes in and maintains the facility. So there is no mowing equipment.

Mr. Berkowitz commented: You are going to have a separate office and a separate bathroom facility so I would just request to have handi-cap parking at both facilities.

Mr. Lapper commented: That is fine.

Mr. Keating commented: There is ample room for that we can make that happen.

Mr. Nadeau commented: Question for Rich when we determine the number where was the number for tables and display type things did we ever come up with a determining factor on that?

Mr. Harris commented: We talked in 2013 was if it was a table displayed with the proper number of chairs for the table which is 4 in most cases we counted that as one unit. He has indicated that he was not going to have a lot of chairs or things by themselves; you might want to clarify that for the record.

Mr. Lapper commented: Our proposal is that they would only be inside of the structure they won't be on the lawn so if there is a table and 4 chairs it will be inside a building.

Chairman Ouimet commented: Another words if your going to display tables or side things you will do it inside of the garages or a gazebo.

Mr. Lapper commented: Inside of a gazebo something that you would expect inside of a gazebo.

Mr. Harris commented: Yes, we kind of left that up in the air if I remember correctly if it was inside the perimeter of the structure, if it's inside a closed shed, if it's a gazebo it was brought up at that time are you going to squeeze a bunch of chairs and tables for storage under it. It was left unresolved at that point.

Chairman Ouimet commented: I would just ask the members of the Board to be patient while we wait to see what the phasing plan looks like and how they want to roll this out if you will.

Mr. Higgins commented: If you are sending it to the County Planning Board what are they going to look at?

Chairman Ouimet commented: They are going to look at the final design that is in front of us tonight. They need to understand that there is going to be phases and not going to be a project that is going to happen like that.

Mr. Harris commented: We have a timing issue. We have to get stuff to them by this Monday.

Chairman Ouimet commented: Everyone has timing issues I know they have a timing issue, we have a timing issue and Saratoga County has a timing issue. It is seasonal business if we don't jumping on it right away the season will pass us by and were not going to get anything done.

Mrs. Sautter commented: When I was there a couple of weeks ago and where your swings and slides are located I saw a lot of families using them. I would recommend, because it wasn't done when I there, the one that is on Route 9 it wasn't hoisted off so a child could have easily gone from the main play area to the road area and had been swinging on that swing. I would just ask that the swing be removed or hoist off somehow. I know you want to display it but it was just a safety concern of mine.

Mr. Troelsera commented: We will address that. It is 15' back from but it doesn't matter a kid could run in a second. We will address that.

Chairman Ouimet commented: One thing to address on the play systems before we adjourn this issue. The play set that you have proposed for the front on the color rendering it will be just one. There would only be one on Route 9. I would ask that you not use a bright orange or yellow canvas cover that you use for the fort please use a darker shade or something that blends more like green.

Mr. Troelsera commented: That is fine. The competitor of theirs has copyright on those colors is that correct?

Chairman Ouimet commented: Please use a darker color neutral something that won't draw attention to it while you drive by. Thank you for your patience tonight I appreciate that.

15.057 Subway Sign, 1508 Route 9 – Sign

Darla Dosal, Ray Sign representing Subway commented: We are applying for a permit for a single pole mounted internally illuminated sign at 1508 Route 9 on the north side of the lot closer to Savemore Beverage side of the building.

Chairman Ouimet commented: I understand that you are proposing for a 13' sign I think it is a bit high.

Ms. Dosal commented: I looked at the proposal and there proposal from our company is 15' probably because of the footing which I didn't account for in this drawing. I can bring it back to him at a lower height if necessary.

Chairman Ouimet commented: I believe the Board's discussion at the pre-meeting is that we would prefer a 10' sign from the ground level. That is to the top of the sign and the reason why we suggest 10' because there is a clear view you don't have any obstructions between Route 9 and any other businesses as well as the fact that the intersection is pretty well traveled so the traffic kind of slows down before it approaches the light and there is very good visibility there.

Mr. Higgins commented: That is 10ø from the existing grade now.

Chairman Ouimet commented: There is no depression there so I donø think you have to overcome a sunken spot. Are there any other questions from the Board?

Mr. Higgins made a motion to approve the maximum of 10' in height sign from the existing grade to the top of the sign, it be internally illuminated, that it's not in the NYS ROW, that it doesn't infringe on the State ROW in anyway for Subway at 1508 Route 9 seconded by Mr. Nadeau. Motion carried.

Chairman Ouimet commented: You are approved thank you for waiting I know it was a long night.

15.052 Falcon Trace PDD – PDD Amendment Recommendation

Mr. Jeff Williams, Bruce Tanski Construction and Development commented: Last week the Town Board has referred this application to the Planning Board for recommendation on our proposed Amendment to the Falcon Trace PDD. The proposed amendment, simply put, is asking to change the allowable number of commercial parcels in the PDD from two to three let me explain further. Falcon Trace PDD received approval in 2010 it allowed the development of a Sr. Apartment complex, luxury apartments and the development of 2 commercial lots known as lot 2 and lot 4 on the approved site plan. Lot 2 at 201 Fellows Road is currently being used as a construction equipment repair and storage site in compliance with the approved PDD and approved site plan. Lot 2 will remain as is and is not in consideration to tonightø request. Lot 4 on the other hand, is a 5.13 acre lot off of Route 236 directly across from the Halfmoon Recreation Park and adjacent to the Jehovahø Witness site. This lot has a current approved site plan that allows the construction of one 4,000 SF commercial bid an two 3,000 SF commercial buildings. The proposed amendment is asking to be able to subdivide out the 4,000 SF building portion of the Lot 4 site plan, in essence creating the third commercial lot within the Falcon Trace PDD. This is easily done, pending Planning Board approval, as the 4,000 SF portion of Lot 4 is bounded by Route 236 to the west, Falcon Trace Drive ó the private road serving the apartment complex to the north and east and the Jehovahø Witness site to the south. The proposed subdivision will create a 4.25 acre site for the two 3,000 SF commercial buildings to be known as Lot 4A and a 0.88 acre (38,423 SF) site for the 4,000 SF lot to be known as Lot 4B. The reason behind the request is that there is an interested party who wishes to own their commercial lot outright and in order to do so we need to subdivide it off the original lot and by doing so we will be creating the third commercial lot. This proposed amendment will not increase the PDD or the commercial boundaries as outlined in the original Falcon Trace PDD. The creation of the third commercial lot will conform to the approved site plan for Lot 4; it will create a conforming commercial lot per the Townø subdivision regulations and zoning ordinance. The lot will also conform to all other terms prescribed in the Falcon Trace PDD Legislation. In closing, we believe this requested amendment will not alter the original intent of the commercial portion of the Falcon Trace PDD. We hope the Board feels the same way we understand that if we do get a positive recommendation we have to hold a public hearing in front of the Town Board for legislation changes and also come back to the Planning Board for final approval for subdivision where there will be another public hearing will be needed. We are asking the Board to consider the possibility of making a recommendation back to the Town Board on this proposed amendment tonight.

Chairman Ouimet commented: Are there any questions from the Board?

Mr. Higgins commented: On that site when you originally came before us there were some considerations for that site to buffer between yourself and the Jehovah Witness as far as the dumpsters in the rear do you remember that? I just want to make sure all of that carries through on the subdivision.

Mr. Williams commented: Exactly, and there is a buffer on this land here where the dumpster would be but also the person that is going to take over the site if we go through that process we will do a change of tenant with the Town, at that point, when they agree to take the site over they will adhere to that site plan the 4,000 SF all the parking and all the other issues.

Mr. Higgins commented: The handi-cap and the parking in the rear, dressing up the front of the building, that kind of stuff that we discussed.

Mr. Williams commented: Exactly.

Chairman Ouimet commented: That will all come back to us if the Town Board approves your request.

Mr. Williams commented: We have to do a subdivision for final but we also have to bring in the change of tenant for this.

Chairman Ouimet commented: I don't see a need to hold a public information meeting at this point if in fact this is approved by the Town Board after a public hearing it has to come back here in order for us to review and determine whether or not the subdivision is appropriate. We would hold the public hearing at that time unless anyone else on the Board feels otherwise.

Mrs. Sautter commented: On the division of this because being just a basic map are we cutting through any wetlands I am just not familiar with this specific site area.

Mr. Williams commented: No this is an approved site plan it has already been approved by your Board and also the subdivision is going to conform to the subdivision regulations for a commercial lot in your Town. Everything has been reviewed and everything is fine.

Mr. Berkowitz made a motion for a positive recommendation to the Town Board seconded by Mr. Ruchlicki. Motion is carried.

Chairman Ouimet commented: Positive recommendation to the Town Board. Thanks Jeff for your patience.

Mr. Partlow commented: One quick question for you on a side note the building facility that is on Cemetery Road at Bruce's Office Building and I just wanted to ask there is a cleaning service that I have noticed there on a regular basis evening and in the morning I just want to know why is the car stored there in the parking lot. Is it a new business?

Mr. Williams commented: Does it park in the back?

Mr. Partlow commented: It is parked in the back and across the street.

Mr. Williams commented: It's a van?

Mr. Partlow commented: It's a van and two cars every now and then.

Mr. Williams commented: I do not know but I will ask. I know Bruce has a cleaning service that goes through his apartments and the offices that he owns. I don't know if that is related or not but I will ask.

Mr. Partlow commented: They are there daily.

Mr. Williams commented: I leave at 4:30 everyday and I don't know what happens after that. If I can ask Bruce and maybe get back to Rich on that and he can get back to you. We can see what it is all about.

Old Business:

14.142 Kennedy/Choate Garage, 405B Hudson River Road- Commercial Site Plan & Special Use Permit

Mrs. Kennedy and Mr. Choate commented: We came in for our personal garage on a non-conforming site. We went to the Zoning Board of Appeals and had 4 different difficulties with the property. You should already have that list. The Zoning Board of Appeals approved each variance that we needed.

Chairman Ouimet commented: Is that correct? Are there any questions for the Board?

Mr. Higgins commented: This is strictly for person use this isn't a business or any kind of a repair business. We just have to ask the questions for the record.

Mr. Nadeau made a motion to set a public hearing for a Special Use Permit at the May 26, 2015 seconded by Mr. Higgins. Motion carried.

15.036 Education Center, Halfmoon Heights Mobile Home Park – Amendment to Site Plan

Mr. Joe Dannible with Environmental Design commented: I am here on behalf of Garden Homes and their application to install and construct an Education Center at Halfmoon Heights Mobile Home Park. We were here 2 weeks ago and presented the project and demonstrated that we are taking two existing mobile home units turning them into one lot and installing the equipment of a double wide unit and associated parking. We demonstrated that there is no increase in impervious surfaces as to what would be there if we were to do two mobile home units and the driveways associated with them. Last meeting it seemed the Board was very supportive of this project. There were two questions

which we couldn't address at that time which we are able to address tonight. The first question was about bus routing. Is there going to be buses in through the site, what size buses? We contacted the school, the Shen Routing Specialist existing right now at least 4 buses go through the site in the morning between 6:30 AM and 8:30 AM and at least 4 buses in the afternoon between 2:30 PM and 4:00 PM. There is also a Head Start Bus that comes through there several times every morning. The road network is capable and adequate in size to support those buses because they are currently using them. The other question came into the operations of the food pantry and how food was getting delivered how the food was going to be stored and what was going on at that site. With us tonight we brought Bernie and Alyssa to talk more about the Food Pantry.

Chairman Ouimet commented: Thanks for coming sorry you had to wait so long.

Mr. Bernie Jones from Saratoga EDOC commented: We would use the facility as an extension site for the food pantry that we are currently running out of Saratoga Springs. There would not be a ton of food stored on site. We would probably actually bring a mobile food pantry with us if it's a food pantry day for families in the area to come and get food. There maybe some emergency supplies on hand brown tote bags they are basically 3 days of food for a family that doesn't have any. The delivery method is a small 2-axle white panel van. We pick up the food from the food pantry in Albany and bring it to the site and distribute it from there.

Mr. Higgins commented: So what you are saying is you are not actually going to use the building you are going to have a truck parked outside and people will go into the truck.

Mr. Jones commented: It would be both. Typically in the vehicle if it's a mobile food pantry vehicle it would really be stuffed full of stuff because it will make more than one stop in that day. We would bring stuff out there would be a staff member in the building to processing paperwork for their family that was picking up food. They may get their portion right then if it's a large family for 4, 5, 6, 8 people they might have to stop at the van to get another package on the way out as well. It usually takes about 2 hours. It's a set window.

Chairman Ouimet commented: Do you do food collection drives from this site?

Mr. Jones commented: We typically would do only small bags.

Chairman Ouimet commented: I mean food collection would invite you to donate food.

Mr. Jones commented: We would. Honestly it doesn't happen very often for us our families are coming to get the food. If we had a group that was interested like a Boy Scout or Girl Scout groups that would do a drive for us they might bring it to us and it would then get transferred to our Saratoga site.

Chairman Ouimet commented: Most of the stuff is done in Saratoga.

Mr. Jones commented: That is correct. Or we would pick up at local farms. So if a farmer has two tons of carrots he can't use we will go pick them up.

Chairman Ouimet commented: Does the Board have any other questions?

Mr. Higgins commented: We are concerned about safety. If you have a van parked there and a family comes in with 2 or 3 young children and go into the building again safety is a major concern for this Board and I just want to envision in my mind that you don't 4-5 families at a time typically usually it's 1-2 families at one time with one or two small children.

Mr. Jones commented: Usually it's one family at a time an adult with 2-3 children they would come into the facility fill out their paperwork and the things that we need them to complete. There is an activity center for the kids to keep engaged while the parent is filling out their paperwork. Our staff helps to facilitate that pick up of food and delivery to the vehicle because the parent has their hands full of kids.

Mr. Higgins commented: Obviously there is a lot going on between the three different functions the day care across the street we are just concerned about safety and not having kids running across the road or anything like that. That is why we ask the questions.

Mr. Jones commented: I certainly understand. We also try to stagger our availability times so we wouldn't typically run the food pantry hours during the hours are that kids are in session from 8:30 AM to 2:30 PM we would wait and do that at 2:00 PM so that group of kids is gone. Just to limit to co-mingling and the amount of little feet running around.

Mrs. Sautter commented: I asked about the summer camps and how that would affect this and the hours of that are? Do you have that information?

Mr. Jones commented: I do know, it's not my program but I know it well. Summer camp on the other side of the road is from 8AM to 5PM so they would in before my kids are in and out after my kids are out. So the traffic patterns are different. We do coordinate so that the kids use the playground at different times than when we are out. There is coordination that happens between Captain, Youth and Family and my agency.

Mrs. Sautter commented: There is also tutoring that goes on so is that also figured in?

Mr. Jones commented: Yes we all live harmoniously together.

Motion made by Mr. Berkowitz to approve the Education Center at Halfmoon Heights MHP seconded by Mr. Nadeau. Motion was carried.

Chairman Ouimet commented: You are approved and thank you for coming down here to Halfmoon and for your patience, it was a long meeting.

Mr. Jones commented: He loves Halfmoon.

15.032 Plant Road Estates PDD, Plant Road – Amendment to Site Plan

Chairman Ouimet commented: Again, sorry you had to wait so long.

Mr. Michael McNamara, Environmental Design Partnership commented: I have here tonight with Mr. Tom Samascott, owner of Malta Land Company. At our last meeting we did discuss a few issues the building to building separation and also the use of a side yard setback for the first time. The dimensions that we discussed for the building to building separation were 16ø and for the side yard setback we talked about putting 4ø side yard on each side of all the property lines. The units that were on the end and bordered an HOA lot it was agreed that the side yard was not necessary for those that effectively an easement could do the same thing. The plan you have before you does achieve those goals we do have the 16ø and the 4ø side yards. One of the things that we did with this plan is we did put the actual dimension between every separation and then we also added this chart up here and what we found is a third of the separations are somewhere between the 16ø and 17ø and 1/3 of them are greater than 20ø and the remaining third are somewhere in between 17ø and 20ø. The unit count for this plan is the same as we were before last time. It is still 144 units which is 6 less than the approved plan of 150 units. However, to achieve the new perimeters of the building to building separation and the side yard setback we did convert 12 of the type A Buildings to type C Buildings. The difference between type A and a type C is that the C units don't have a second bedroom on the first floor. You are much more likely with a C unit to have at least a partial second floor in order to get the second bedroom. After we completed the plan the next thing we looked at is what is the potential of pushing it a little bit further can we get 17ø building to building. Really with 17ø we found you would have to lose 3 more units and convert 9 more of the A type buildings into the C type buildings. We thought that was a pretty significant to the project in order to get what is really just a marginal improvement of what we already have now. We think the 16ø which is consistent with the approval for Phase 3 of Glen Meadows. It is a good compromise for what we are trying to achieve with the project marketing to age 55 and over with one-story units and getting as much space as we can between the buildings.

Chairman Ouimet commented: Thank you. I apologize that I was not at the last meeting. Does Members of the Board have any questions?

Mr. Higgins commented: I would like to thank you for responding to our requests I think you have done a wonderful job and I hope you understand that it wasn't personal or anything like that we just have concerns as I said you weren't here for all the public hearings we had on this project from the beginning.

Mr. Nadeau commented: Thank you for working with us you get a great job on the project.

Mr. McNamara commented: It was a little iteration back and forth.

Chairman Ouimet commented: On behalf of the Board I know you made a lot of compromises with this site and we really appreciate your going back and looking at all the various permutations to what your original plan was. I hope you didn't lose too much when you had to make modifications to the side lines.

Motion made by Mr. Higgins to approve the revised layout for Plant Road Estates PDD on Plant Road with the changes seen by the Board tonight as submitted seconded by Mr. Nadeau. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 11, 2015 Planning Board Meeting at 9:15 PM seconded by Mr. Nadeau. Motion carried.

Respectfully submitted by
Denise Mikol, Secretary
Town of Halfmoon Planning Board